IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

LA.App..No. 1037 of 2004(D)

LAR.84/1998 of II ADDL.SUB COURT,TRIVANDRUM
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APPELLANT: RESPONDENT

STATE OF KERALA

BY GOVERNMENT PLEADER SMT.K.R.DEEPA
SRI.V.K.BEERAN, ADDL.ADVOCATE GENERAL

RESPONDENTS/CLAIMANT:

K.OMANA, VETTUVILA VADAKKETHATTU PUTHEN VEEDU, NEDUMAM, KOVALAM P.O.

BY ADV. SRI.R.MANOJ

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 1037 OF 2004

Dated this the 3rd day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 84/1998 on the file of II Additional Sub Court, Thiruvananthapuram. Acquisition is for the purpose of construction of Kazhakuttom-Kovalam Bye-pass.

2. The Land Acquisition Officer fixed the land value at the rate of Rs. 19,730/- per Are. In view of the locational importance of the property that it is situated within 510 metres from the Kovalam junction, the reference court fixed the land value by awarding enhancement to the tune of 50%.

3. Though the respondent-claimant had a case for land value as that awarded to her mother, the reference court rightly rejected the request on the ground that the acquired property lies behind claimant's mother's property.

However, in view of the admitted location of the property that it is situated around half kilometer from Kovalam junction, we are of the view that enhancement to the tune of 50% given to

a small extent of 2.15 Ares of land involved in this case is only just and reasonable. Thus there is no merit in this appeal and it is accordingly dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp